IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 3807 OF 2006

Ms. CARMELINE PETER DAWRIA .. PETITIONER

Vs.

ST. ANNES GIRLS HIGH SCHOOL & ORS... RESPONDENTS

Mr. S. D. Dighe for petitioner

Mr. A.G. Kothari for R-1 & 2

CORAM:-DR. D.Y.CHANDRACHUD, J.

DATED:-7/7/2006

P.C.

. The petitioner was appointed as an Assistant Teacher on probation at St. Annes Girls High School. The period of probation commenced on 13th June, 1998 and was to end on 12th June, 2000. The services of the petitioner came to be terminated on 30th May, 2000.

2. On behalf of the Petitioner it has been submitted that the letter of termination was issued by Father James D’silva who was not validly appointed as the trustee and who, therefore, could not have the authority to issue the letter.

3. A compilation of documents which was filed before the Tribunal is also placed on the record of this proceeding by Counsel for the management. The compilation shows that the earlier trustee, Father Gill Gonsalves, was replaced by Father James D'silva on 22nd May, 2000. Hence on 30th May, 2000 when the resolution was passed Father James D'silva was in fact the trustee. He seems to have ceased to be trustee thereafter on 3rd July, 2000. There is an entry to that effect in the register maintained under the Bombay Public Trust Act, 1950.

4. It is next submitted that the trustee who had newly taken charge had no occasion to observe the performance of the Petitioner. The submission cannot be accepted. The compilation contains Supervisory reports right from 20th July, 1999 which also bear the signature of the petitioner. There is ample material on record to demonstrate that the work and performance of the petitioner were duly assessed during the period of probation. The termination is by an order of termination simplicitor. No case of malafides have been established either before the Tribunal or before this court.

5. In the circumstances, no case for interference under Article 227 is made out. The Petition is dismissed.

(DR. D. Y. CHANDRACHUD, J.)